GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:495
ANSWERED ON:20.11.2007
FEDERAL CRIMES
Saradgi Shri Iqbal Ahmed

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Administrative Reforms Commission has recommended far-reaching reforms to maintain law and order and to fight federal crimes and suggested that a law should be enacted to empower the Union Government to deploy its forces in a State;

(b) if so, the details of the main recommendations made and the number of the recommendations out of them considered; and

(c) the steps being taken to implement them?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO H. GAVIT)

(a): Yes, Sir.

(b) to (c): The Second Administrative Reforms Commission in its Fifth Report titled `Public Order` made the following recommendations with regard to enactment of laws to empower the Union Government to deploy its forces in a State and to deal with federal crimes:

Recommendation Paragraph 8.2.15:

`a. A law should be enacted to empower the Union Government to deploy its Forces and to even direct such Forces in case of major public order problems which may lead to the breakdown of the constitutional machinery in a state. However, such deployment should take place only after the state concerned fails to act on a 'direction' issued by the Union under Article 256 of the Constitution. All such deployments should be only for a temporary period not exceeding three months, which could be extended by another three months after authorisation by Parliament.

b. The law should spell out the hierarchy of the civil administration which would supervise the Forces under such circumstances.`

Recommendation Paragraph 8.3.14:

`a. There is need to re-examine certain offences which have inter-state or national ramification and include them in a new law. The law should also prescribe the procedure for investigation and trials of such offences. The following offences may be included in this category:
(i) Organised Crime
(ii) Terrorism
(iii) Acts threatening National security
(iv) Trafficking in arms and human beings
(v) Sedition
(vi) Major crimes with inter-state ramifications
(vii) Assassination of (including attempts on) major public figures
(viii) Serious economic offences.

b. A new law should be enacted to govern the working of the CBI. This law should also stipulate its jurisdiction including the power to investigate the new category of crimes.

c. The empowered committee recommended in the Commission's Report on 'Ethics in Governance' would decide on cases to be taken over by the CBI.`

`Police` and `Public Order` are State subjects under the Seventh Schedule to the Constitution of India. The above recommendations of the Administrative Reforms Commission would, involve constitutional issues and have implications with reference to Centre-State relations and, would, therefore, require in-depth examination and wide-ranging discussions with all concerned including the State Governments. Action in this regard has been initiated.